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September 10, 2014

Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2101  
New York, New York 10007

Re: Massie v. Metropolitan Museum of Art,  
Lenox Hill Hospital, et al  
Index No.: 11-cv-9549 (JPO)(KNF)  
Our File No.: 1237-019084

Your Honor:

We represent Lenox Hill Hospital in the above referenced matter and write seeking an order removing Lenox Hill from the caption.

Per the Court's July 8, 2014 order, the claims against Lenox Hill were dismissed under the doctrine of *res judicata* because the New York Supreme Court already entered a final judgment on the matter. In the same order, plaintiff was "granted leave to file an amended complaint for the purposes of alleging, if he can, that his supervisor at the Met was acting under color of state law when he allegedly made racially derogatory claims about Plaintiff." Plaintiff was not granted leave to file an amended complaint against Lenox Hill.

Nonetheless, on September 4, 2014, plaintiff filed his fourth amended complaint naming, among others, Lenox Hill. Accordingly, we ask that this Court issue an order removing Lenox Hill from the caption.

Respectfully submitted,

GORDON & SILBER, P.C.



Eldar Mayouhas